

Message Text

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PAGE 01 PORT M 00782 250800Z
ACTION OES-07

INFO OCT-01 EA-10 IO-13 ISO-00 ACDA-12 AGRE-00 AID-05
CEA-01 CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09
DODE-00 DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01
TRSE-00 H-01 INR-10 INT-05 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OMB-01 PA-01 PM-05 SP-02 SS-15
ICA-11 /146 W

-----110242 251243Z /64

R 250400Z MAY 78
FM AMEMBASSY PORT MORESBY
TO SECSTATE WASHDC 3301
INFO AMEMBASSY CANBERRA
AMEMBASSY SUVA
AMEMBASSY TOKYO
AMEMBASSY WELLINGTON
USMISSION GENEVA
HICOMTERPACIS SAIPAN
CINCPAC HONOLULU

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TOKYO FOR RFO

HICOMTERPACIS FOR STATUS LNO

CINCPAC FOR POLAD

E.O. 11652: N/A
TAGS: EFIS, PLOS, XP, PP
SUBJECT: SOUTH PACIFIC REGIONAL FISHERIES AGENCY

REFS: A) SUVA 799 B) SUVA 802

1. SUMMARY: IN TALK WITH EMBOFF MAY 24, DFAT LEGAL ADVISOR
EXPRESSED BELIEF U.S. AND PNG WERE NOT HOPELESSLY DEADLOCKED
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RE SOUTH PACIFIC REGIONAL FISHERIES AGENCY. STATED PNG REP
AT RECENT SUVA MEETING (REFTELS) WAS NOT GIVEN NEGOTIATING
AUTHORITY BUT ADDED AGREEMENT MIGHT BE REACHED BY GOING TO
CRUX OF PROBLEM, "CONDITIONS UNDER WHICH U.S. IS WILLING TO
ACCEPT COASTAL STATE LICENSING AND RIGHT TO FIX TERMS OF
ACCESS." END SUMMARY.

2. EMBOFF MET WITH DFAT LEGAL ADVISOR GEOFFREY DABB MAY 24 TO DISCUSS SUVA MEETING AND NEXT ROUND OF NEGOTIATIONS ON SOUTH PACIFIC REGIONAL FISHERIES AGENCY (SPRFA). DABB HAD RETURNED FROM TORRES STRAIT NEGOTIATIONS IN AUSTRALIA FEW DAYS BEFORE, IS STILL ENGAGED ALMOST FULL TIME IN THOSE NEGOTIATIONS AND SAID HE STILL HAD NEITHER FULLY FOCUSED ON SUVA MEETING NOR STUDIED DETAILED REPORT GIVEN HIM BY HIS DEPUTY, PAT LAVENDER.

3. THRUST OF DABB'S REMARKS GIVES DIFFERENT IMPRESSION FROM THAT CONTAINED REFTELS. WHEN TOLD PNG DELEGATE LAVENDER HAD TAKEN RIGID, UNCOMPROMISING LINE, DABB REPLIED THAT LAVENDER WAS FILLING IN FOR HIM AND HAD BEEN GIVEN NO NEGOTIATING FLEXIBILITY. (WE NOTE THAT VIRTUALLY EVERY STATEMENT REPORTEDLY VOICED BY LAVENDER AT SUVA WAS IN LINE WITH LONG-STANDING PNG POSITIONS.) HE ADDED THAT HE HAD IMPRESSION THAT LAVENDER HAD BEEN LOCKED INTO SOME EXCEPTIONALLY FIRM POSITIONS IN REACTION (PERSONALITY-WISE) TO OTHERS AND THAT PNG LINE HAD NOT HARDENED.

4. EMBOFF THEN ASKED IF PNG HAD RENEGED ON TWO TREATY APPROACH. DABB SAID PNG HAD FLOATED TWO TREATY IDEA BUT IT DID NOT SELL TO MAJORITY OF ISLAND STATES SO IT WAS DROPPED.

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5. DABB SAID FIJIAN PROPOSAL WAS MADE FORMALLY A N WAS ON THE TABLE. WHILE HE HAD NOT GONE INTO IT IN DETAIL, AND DID NOT FULLY UNDERSTAND IT, HE THOUGHT ITS THRUST SOMETHING PNG COULD LIVE WITH. IN ANY EVENT, HE SAW NEXT SUVA MEETING CENTERING ON THAT PROPOSAL.

6. DURING TALK, DABB SAID A FOREIGN SEINER HAD COME INTO WEWAK AND WAS ASKING FOR A LICENSE TO FISH, OFFERING \$10,000 FOR THREE MONTHS. EMBOFF PROVIDED BACKGROUND ON VOYAGEUR CALL HERE LAST WEEK, WONDERED IF IT WERE THE VOYAGEUR AGAIN (SUBSEQUENT CHECK SHOWED VESSEL TO BE CHINESE) AND OPINED THAT IF U.S. SHIP PICKED UP BY DEFENCE FORCE PATROL BOAT, CONSEQUENCES FOR BOTH USG AND PNG COULD BE ADVERSE. HE REFERRED TO MAGNUSON ACT SANCTIONS AND REMINDED DABB U.S. TOOK 76 PERCENT OF PNG'S TUNA. DABB SHARED CONCERNS FULLY AND SAID HE HOPED LICENSE WOULD BE ISSUED. AT THAT POINT HE SAID HE DID NOT BELIEVE U.S. AND PNG WERE HOPELESSLY DEADLOCKED AND THAT RECONCILIATION OF DIFFERENCES IS POSSIBLE. HE SAID DISCUSSIONS HAVE BEEN CENTERING ON BUREAUCRATIC, JURISDICTIONAL AND ORGANIZATIONAL MATTERS, WHEREAS THE CRUX OF THE PROBLEM WAS THE CONDITIONS UNDER WHICH THE

U.S. WAS WILLING TO ACCEPT COASTAL STATE LICENSING AND THE RIGHT TO FIX THE TERMS OF ACCESS. HE EXPECTED THE USG WOULD SAY U.S. ACCESS MUST BE GUARANTEED. THAT WOULD BE FINE, BUT WHAT KIND OF ACCESS WOULD BE REQUIRED? HE SUGGESTED THAT THERE BE A PRIOR COMMITMENT AS TO WHAT RECOMMENDATIONS WOULD BE MADE BY A REGIONAL AGENCY BEFORE THE NEXT MEETING BEGINS TO DISCUSS ORGANIZATIONAL STRUCTURE. THE IMPORTANT THING, HE ADDED, WAS THE PRACTICAL EFFECT OF THE REGULATIONS. (NOTE: THIS IS A REAL SWITCH FROM DABB'S PREVIOUS CONCENTRATION ON JURIDICAL AND ORGANIZATIONAL ISSUES. EMBOFF MEETING WITH LAVENDER MAY 25, AFTER WHICH WE WILL SEND SEPTTEL RE POSSIBLE CHANGE IN GPNG POSITION.)

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7. HOPES THAT THREE PRINCIPAL PMS (FIJI, WESTERN SAMOA AND PNG - REFTTEL A MIGHT HAVE MINI-FORUM MEETING) PROBABLY WILL NOT BE REALIZED AS DABB SAID SOMARE WOULD NOT GO TO APIA.

8. DABB STILL HEAVILY INVOLVED IN TORRES STRAIT NEGOTIATIONS ("95 PERCENT SUCCESSFULLY COMPLETED") AND MAY NOT BE ABLE TO ATTEND JUNE SPRFA MEETING IN SUVA. WE BELIEVE THIS WOULD BE MOST UNFORTUNATE.
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